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09/923,374	08/07/2001	Erik Dahlman	8194-585	8934
20792	7590	11/23/2007	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			GHEBRETINSAE, TEMESGHEN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### **DETAILED ACTION**

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-70-72-108 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 58, 61,62,86,89,90,97,98 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (5,517,530).
5. Gardner discloses a receiver comprising a multi-process demodulator circuit operative to process a communication signal according to respective, different first and second demodulation techniques (24,22) to produce respective, different first and second symbol representations; and a quality discriminator circuit (26,28,30) operative to decode a first one of the first and second symbol representations to determine a

quality for the first one of the first and second symbol representations and, responsive to the determined quality, to determine whether to further process the first symbol representations or to decode the second symbol representation. The first and second demodulation technique comprises respective non-spread spectrum demodulation process as claimed in claim 61 and 89. The quality discriminator circuit is operative to adaptively select the first one of the first and second symbol representations for first decoding as claimed in claim 62 and 90. The receiver comprises a radio receiver as claimed in claim 97. The receiver includes one of a wireless communication terminal as claimed in claim 98. (see fig. 2 and 3 and col.3, line 65 to col.4, line 23.)

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 50-51, 53-57, 59-60, 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner.

8. Consider claims 50, 55-56 Gardner discloses a receiver comprising a multi-process demodulator circuit operative to process a communication signal according to respective, different first and second demodulation techniques (24,22) to produce respective, different first and second symbol representations; and a quality discriminator circuit (26,28,30) operative to decode a first one of the first and second symbol representations to determine a quality for the first one of the first and second symbol

representations and, responsive to the determined quality, to determine whether to further process the first symbol representations or to decode the second symbol representation. The first and second demodulation technique comprises respective non-spread spectrum demodulation process as claimed in claim 61 and 89. The quality discriminator circuit is operative to adaptively select the first one of the first and second symbol representations for first decoding as claimed in claim 62 and 90. The receiver comprises a radio receiver as claimed in claim 97. The receiver includes one of a wireless communication terminal as claimed in claim 98. (see fig. 2 and 3 and col.3, line 65 to col.4, line 23.)

9. Gardner differs from the claimed invention in that the signal is not spread spectrum signal as claimed in claims 50, 52, 59, 87. However, Gardner disclose that while the present invention is discloses and described with respect to certain communication type, it is understood to those skilled in the art that his invention can be applied to any type of communication.

10. As per claim 51-52,57,60,88 the first and second demodulation techniques of Gardner are operative to provide different levels of performance in a given interference environment.(see col.3, lines 24-38)

11. As per claim 53-54, the first and second symbol representations are generated in series/parallel (see col.4, lines 24-29)

***Allowable Subject Matter***

12. Claims 1-49, 69-70, 72-85, 99-108 are allowed.

13. Claims 63-68, 91-96 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

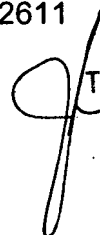
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 571-272-3017. The examiner can normally be reached on Monday-Friday from 8 to 6. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ghayour Mohammed, can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temesghen Ghebretinsae  
Primary Examiner  
Art Unit 2611

14. T.Ghebretinsae 11/21/07

  
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PRIMARY EXAMINER